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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/808,019 | 03/23/2004 | George G. Pappas | LUM 203 | 5700 |

2555 7590 03/07/2005

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT PAPER NUMBER

3749

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/808,019 | Applicant(s) PAPPAS ET AL. | |
| | Examiner Stephen Gravini | Art Unit 3749 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9 and 11-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-4, 6-9 and 11-18 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 2-4, 7-9, 11-12,14, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmes et al. (US 6,203,313). Holmes is considered to disclose the claimed invention comprising:

a central, axial core of candle fuel having a wick extending axially within the central core (wherein the disclosed through-hole **108** and wick **110** are considered to anticipate the claimed axial core of candle fuel having an wick because a wax member hole defined a core for the wick); and

a plurality of candle fuel rings **102**, **104**, & **106**, each of the rings having an opening receiving and surrounding the axial core and slidable along the core, the rings being arranged in a stack around the central core (wherein the disclosed flexible wick and stack arrangement, beginning at column 3 line and continuing at column 4 line 12, are considered to anticipate the claimed ring opening and stack because the disclosed structure reads on each claim element). Holmes is also considered to disclose differing ring compositions including colors and fragrances (column 4 line 15-16), mating surface contour engaging end rings (column 3 lines 2-5), circular cylindrical ring periphery (column 4 line 37), square cylindrical ring periphery (column 6 line 66), upper-most stacked ring selected distance core extension (column 5 lines 43-55), bottom flange base radial extension (column 5 line 65), wax base (column 3 line 58), ring periphery

substantially in conformity with the periphery of the base (column 5 lines 43-55), and ring recess cavity matingly engageable around the base (column 6 lines 9-16).

Claim Rejections - 35 USC § 103

Claims 6, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes in view of Kumm (US 3,706,523). Holmes is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed lower core melting point and non-flammable rings. Kumm, another candle device, is considered to disclose lower core melting point and non-flammable rings at column 3 lines 46-67. The disclosed candle core and plastic or metal rings are considered to have lower melting points as claimed because candles generally melt before metals and plastics. The disclosed candle holder base is considered to have a higher melting point than the disclosed candle and be a non-flammable solid because candle holders are generally designed to support candles rather than burn or melt with the candle. It would have been obvious to one skilled in the art to combine the teachings of Holmes with the lower core melting point and non-flammable rings, considered disclosed by Kumm for the purpose of allowing horizontally colored sections arranged along a candle to distinguish areas of the candle and of the candle itself.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new grounds of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
March 3, 2005

